

### **Remarks/Arguments**

In the non-final Office Action dated September 25, 2008, it is noted that claims 1-12 are pending; that all claims stand rejected under 35 U.S.C. §102; that the drawings filed on February 3, 2006 have been accepted by the Examiner; that the claim of foreign priority under 35 U.S.C. §119 has been acknowledged; and that all copies of the certified copies of the priority documents have been received from the International Bureau.

By this response, claims 1, 3, 4, 7, and 9-11 have been amended, and claims 2, 8, and 12 have been cancelled without prejudice. The limitations from cancelled claims 2, 8, and 12 have been substantially included in claims 1, 7, and 11, respectively. Certain limitations from claims 3 and 9 have also been included in claims 1 and 7, respectively. The corresponding limitations have been deleted from claims 3 and 9. Finally, the preambles of claims 3, 4, 9, and 10 have been amended to show the proper antecedent basis as dependent claims. The amendments to the claims are proper and justified. No new matter has been added.

### ***Rejection of Claims 1-12 under 35 U.S.C. §102***

Claims 1-12 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,933,420 to Jaszewski et al. (hereinafter "*Jaszewski*"). As noted above, claims 2, 8, and 12 have been cancelled without prejudice. In view of the amendments to the claims, this rejection is respectfully traversed.

Claims 1, 7, and 11 are independent base claims. Claims 3-6 depend ultimately from claim 1; and claims 9-10 depend ultimately from claim 7. Independent claims 1, 7, and 11 include substantially similar limitations. In view of this similarity and for the sake of brevity for this response, the following remarks will be addressed to claim 1, but should be understood to pertain equally to claims 7 and 11.

Claim 1 recites:

*Wireless network system, comprising:*

*a first access point for providing a first communication channel to a first terminal;*

*a second access point for providing a second communication channel to a second terminal;*

*wherein the first access point is adapted to build up a third communication channel to the second access point to coordinate a setting of the first and second communication channels;*

*wherein the first access point is adapted to perform a detection for the second access point;*

*wherein the first access point is adapted to establish the third communication channel to the second access point when the second access point is detected via at least one of a core network and a wireless channel;*

*wherein the first access point is adapted to determine whether there is a first free channel and a second free channel; and*

*wherein, in case there are first and second free channels, the first access point is adapted to control a setting of the first and second communication channels on the basis of the first and second free channels.* [Emphasis supplied].

Jaszewski does not teach, show, or suggest the limitations shown emphasized in bold type in claim 1 above. Thus, it is believed that a prima facie case of anticipation based on Jaszewski has not been established.

Jaszewski makes it clear that the access points in the network shown in his Figure 1 communicate over the very same communication channels over which they communicate to the nodes in their respective networks or sub-networks. An access point attempting to learn about neighboring access points in the network broadcasts a “Where are you?” message on each possible channel so that any access points on those possible communication channels will respond on that same channel. It should be understood that the access point sending the “Where are you?” message, the access point responding to the message, and the nodes communicating with the responding access point, all communicate over the same communication channel. See *Jaszewski at cols. 4-6 and Figure 1*. There is no attempt or suggestion by Jaszewski for one access point to “build up a third communication channel to the second access point” or to “establish the third communication channel to the second access point.”

Even the wired network 100 shown in Jaszewski does not constitute the build up or establishment of the third communication channel to the second access point. Wired network 100 is a network established between the network manager and each individual access point. See *Jaszewski at col. 3, lines 25-26*. It is not established as a network between access points. The access points in Figure 1 do not communicate with each other, but rather they communicate only with the network manager.

Contrary to the claim limitations, Jaszewski provides that the network manager determines the existence of any free channels. See *Jaszewski in Figure 2 and at col. 5, lines 16-31*. There is no “access point ... adapted to determine whether there is a first free channel and a second free channel,” as defined in the claim.

Also contrary to the claim limitations, Jaszewski provides that the network manager generates and broadcasts the lists of channel assignments determined in the network manager.

*See Jaszewski step 260 in Figure 2 as described at col. 8, lines 13-20.* Jaszewski fails to teach, show, or suggest that, “in case there are first and second free channels, the first access point is adapted to control a setting of the first and second communication channels on the basis of the first and second free channels,” as defined in the claim.

In view of the remarks above and in view of the similar limitations in the independent claims, it is understood that Jaszewski fails to teach all the elements of independent claims 1, 7, and 11. Since the dependent claims include all the limitations of their respective independent base claims, it is also understood that Jaszewski also fails to teach all the elements of claims 3-6 and 9-10.

In light of these remarks, it is believed that Jaszewski does not anticipate or make obvious claims 1, 3-6, 7, and 9-11 and these claims are allowable under both 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

***Conclusion***

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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